

1 **OFFICIAL FILING BY FACSIMILE**
2 **TRANSMISSION ON MARCH 23, 2004 TO**
3 **FACSIMILE #703-872-9306, FOR EXAMINER F. L.**
4 **EVANS, TELEPHONE 571-272-2414, ART UNIT 2877**
5 Response 41 pages, Our Ref. No. P-1259-981
6 Drawings 0 sheets
7 Terminal Disclaimer 1 sheet.
8 Total Fax pages 42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

MAR 23 2004

In Re Application of:
OZANICH

Date: March 23, 2004

Serial No. 09/804,613

Group Art Unit: 2877

Filed: March 12, 2001

Examiner: F. L. Evans

12 For: AN APPARATUS AND METHOD
13 FOR MEASURING AND
14 CORRELATING CHARACTERISTICS
OF FRUIT WITH VISIBLE/NEAR
INFRA-RED SPECTRUM

OFFICIAL

AMENDMENT AND RESPONSE

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Commissioner:

In response to the communication from the Examiner dated March 17, 2004,
please consider the following:

Response Is Timely

The applicant respectfully observes that this response is timely following the
Examiner's Communication of March 17, 2004. However, the Examiner is hereby
authorized to deduct other fees owing from the deposit account of Liebler, Ivey &
Connor, P.S./Floyd E. Ivey, 35,552, Deposit account No. 50-0607.

Certificate of facsimile filing
on March 23, 2004 by Floyd E. Ivey.

Application No. 09/804,613

Floyd E. Ivey, USPTO 35552,

1

2:\IPO\lien\B\ekolov\instruments\patent\NearInfrared\CIP.NIR\ResponseToOA040317\CIP.response.112.102.ToExaminer'sFinalActionof
040317FINAL.040323.wpd

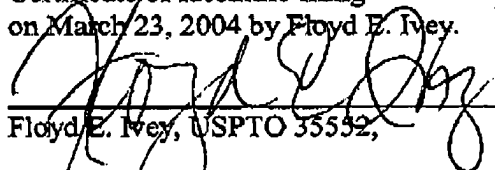
1 **I. INTRODUCTORY COMMENTS**

2 **Response to Detailed Action of March 17, 2004**

3 The Examiner's Communication of March 17, 2004, identifies amendments
4 required of the Substitute Specification at page 2 of the Examiner's Detailed Action, sets
5 forth claim objections at page 2, sets forth claim rejections under 35 USC 112 at page 3,
6 sets forth claim rejections per 35 USC 102 at page 4 and states Allowable Subject Matter
7 at page 5. Your applicant now responds to the Action of March 17, 2004.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 Certificate of facsimile filing
on March 23, 2004 by Floyd E. Ivey.

Application No. 09/804,613

28 
Floyd E. Ivey, USPTO 35552,

2

Z:\IPC\ent\Berkeley\Instruments\patent\NearInfrared\CIP.NIR\ResponseToOA040317\CIP.response.112.102.ToExaminer'sFinalActionof
040317\FINAL040325.wpd